

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JOHN ADAIR,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-23-01056-JD
)	
STATE FARM FIRE AND CASUALTY)	
COMPANY and TIM CUSTER)	
INSURANCE AGENCY, INC.,)	
)	
Defendants.)	

ORDER

Before the Court is Plaintiff’s Motion to Stay or Extend Plaintiff’s Deadline to Respond to Defendant Tim Custer Insurance Agency, Inc.’s Motion to Dismiss (“Motion”) [Doc. No. 18]. Defendants have responded in opposition [Doc. No. 20].

The Tenth Circuit regularly refers to the determination of subject matter jurisdiction as the “threshold” question in any case. *See Kerr v. Polis*, 20 F.4th 686, 692 (10th Cir. 2021) (“[W]e address the threshold question of subject-matter jurisdiction.”); *Gray v. Feed the Children, Inc.*, 2010 WL 356398, at *1 (W.D. Okla. Jan. 22, 2010) (“Subject matter jurisdiction is a threshold question that must be resolved before addressing the merits of the case.”); *Cheyenne-Arapaho Gaming Comm’n v. Nat’l Indian Gaming Comm’n*, 214 F. Supp. 2d 1155, 1162 (N.D. Okla. 2002) (“The threshold question the Court must first address is whether it has subject matter jurisdiction over the case.”).

Given the primacy of subject matter jurisdiction, “[c]ustomarily, a federal court first resolves doubts about its jurisdiction over the subject matter.” *Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 578 (1999). Understandably then, courts regularly consider pending remand disputes before wading further into a case. *See In re C & M Props., L.L.C.*, 563 F.3d 1156, 1162 (10th Cir. 2009) (“[A] remand order takes precedence, and the district court should not take action on pending motions before or after remand.”) (citations omitted).

Accordingly, the Court GRANTS the Motion. The deadline for Plaintiff to respond to Defendant Tim Custer Insurance Agency’s Motion to Dismiss [Doc. No. 10] is **STAYED** until the Court rules on Plaintiff’s motion to remand.

IT IS SO ORDERED this 29th of December 2023.



JODI W. DISHMAN
UNITED STATES DISTRICT JUDGE